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HOUSE OF REPRESENTATIVES
REPORT
No. 93-753

CONSERVATION PROGRAMS ON MILITARY AND OTHER FEDERAL LANDS

JANUARY 21, 1974.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H.R. 11537]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 11537) to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On page 12, line 23, strike the word "offsense." and insert the word "offense." in lieu thereof.

PURPOSE OF THE LEGISLATION

The purpose of the legislation is to extend the game conservation and rehabilitation programs carried out on military reservations, and to provide for the carrying out of such programs on certain other Federally-owned lands.

In accomplishing this purpose, the legislation would authorize to be appropriated $1.5 million per year to the Secretary of Defense and $2 million per year to the Secretary of the Interior to carry out the programs on military reservations. In addition, the legislation would authorize to be appropriated $10 million per year to the Secretary of Agriculture to carry out the programs on lands of the Department of Agriculture, and $10 million per year to the Secretary of the Interior to carry out the programs on certain lands of the Department of the Interior, lands of the Atomic Energy Commission (AEC), and lands of the National Aeronautics and Space Administration (NASA).

The appropriation-authorizations would terminate June 30, 1978.

99-006

Legislative Background

H.R. 11537 was introduced on November 15, 1973, by Mr. Sikes, for himself, Mr. Dingell, Mr. Biaggi, Mr. Forsythe, Mr. Breaux, Mr. Cohen, Mr. Studds, and Mr. Bowen.

H.R. 11537 is similar to H.R. 75, introduced by Mr. Sikes, for himself and Mr. Dingell; H.R. 731, introduced by Mr. Mailliard; and H.R. 733, introduced by Mr. Mailliard. Another bill introduced on the general subject is H.R. 4327, by Mr. Sikes.

H.R. 11537 (except for a technical amendment) is identical to H.R. 75, with amendments, as ordered reported by the Subcommittee on Fisheries and Wildlife Conservation and the Environment to the Full Committee. H.R. 11537 was introduced in the form of a clean bill pursuant to instructions of the Subcommittee in order to allow members of your Committee desiring to do so to cosponsor the legislation.

Hearings were held on the legislation by the Subcommittee on March 8, 1973.

The General Services Administration and the Department of Justice, in their reports on the legislation, deferred to the views of the agencies directly concerned. The National Aeronautics and Space Administration deferred to the Department of the Interior as to the need and desirability of the legislation.

The Department of Treasury, in its report, opposed the legislation because receipts from the sale of the public land management area stamps would be required to be retained by the State agency selling such stamps and utilized by the State and the appropriate Federal Agency pursuant to a cooperative agreement. The department felt that the receipts from such sales should be treated as Federal receipts and deposited in the Treasury. Your Committee felt that the depositing of such receipts in the General Fund of the Treasury would defeat the purposes of the legislation and make the cooperative plan meaningless. Therefore, your Committee did not adopt the recommendation.

The Comptroller General of the United States, in his report, expressed concern over the limitations on the use of stamp fees collected by the States since no provisions were included in the bill for determining or enforcing compliance with those limitations. He suggested that the Committee consider incorporating into the bill appropriate measures of enforcement to insure compliance with the limitations. Your committee did not deem it necessary to incorporate in the bill such enforcement measures since each State agency concerned will be expending such receipts pursuant to a cooperation agreement entered into between the State and the Federal Agency concerned. It is to be noted that the legislation authorizes the Federal agency concerned, and the State agency, to include in the cooperative agreements such other terms and conditions as they deem appropriate. Therefore, your Committee felt that the language was broad enough to permit appropriate enforcement and protective measures to be included in such agreements, and in this regard, your Committee would like to make it clear that it expects such agencies to take the necessary steps to insure compliance with the limitations imposed on the use of such receipts.

The Department of Defense, although it did not file a departmental report, provided testimony at the Committee hearings which, in essence, supported Title I of the bill. Title I would extend the programs on military lands until June 30, 1978. It deferred to the views of other departments and agencies involved as to Title II of the legislation.

The Atomic Energy Commission, in its report, supported the basic objectives of the legislation but felt that such objections could be achieved administratively through existing statutory authority. However, it did recommend that if the Committee should decide to report the legislation to include language in the bill that would require its Chairman to be a party to any cooperative agreement concerning programs to be carried out on lands subject to its jurisdiction.

Your Committee agreed with the suggestion of AEC and H.R. 11537, as reported, includes such language. It also includes language that would require the Administrator of NASA to be a party to any agreement affecting lands under his jurisdiction.

The Department of Agriculture, in its report, endorsed the general objectives of the bill, but opposed the legislation on the grounds that it already had sufficient statutory authority to carry out the purposes of the legislation. The Department also expressed concern over provisions of the bill that would require each cooperative agreement to provide for controlled burning and control of all-terrain vehicular traffic. It also was opposed to the provision that would prohibit the carrying out of game conservation and rehabilitation programs on lands under the jurisdiction of the Department, unless the projects were included in a cooperative agreement with the State concerned. Since the Departmental witness indicated at the Committee hearings that all lands under its jurisdiction on which such programs would be carried out were already under cooperative agreements with the States, your Committee did not, in its wisdom, deem it necessary to remove this requirement from the bill. With respect to the requirement that the cooperative agreement would have to provide for controlled burning, your Committee agreed to the recommendation of the Department and the clean bill, H.R. 11537, does not contain such a requirement. With respect to the requirement that the cooperative agreement would have to provide for control of all-terrain vehicular traffic, your Committee in essence met the objection of the Department by making the requirement in the clean bill, H.R. 11537, correspond with the President's Executive Order, which called for the control of off-road vehicular traffic (in lieu of all-terrain vehicular traffic, which is more restrictive).

The Department of the Interior, in its report, recommended against the enactment of the predecessor bill, H.R. 75, however, it did favor the enactment of H.R. 4327, a bill similar to Title I of the reported bill, H.R. 11537, which would continue the programs carried out on military reservations at a level of funding of $1.5 million per year. Since the Department expressed concern over the lack of necessary funds to carry out its functions under the original Act, your Committee retained in the clean bill the provision in Title I of the predecessor bill, as ordered reported by the Subcommittee, that would authorize

to be appropriated up to $2 million per year to the Department of the Interior.

Although the Department of the Interior opposed Title II of the bill, on the ground it already had sufficient authority to carry out its purposes, your Committee in its wisdom deemed it necessary to retain the title. Retention of Title II of the bill would provide a specific mandate to the Department, with adequate funding authorized, to carry out programs for which the Department claims it has sufficient optional authority, but which are not being carried out.

In brief, your Committee feels that H.R. 11537, as ordered reported, in essence, meets the major objections expressed by the various departments. If enacted into law, it would have the effect of making the highly successful game conservation and rehabilitation programs carried out on military reservations a reality on other Federal lands which are in dire need of such programs.

After giving thorough consideration to the evidence presented at the hearings and the departmental reports, your Committee (except for one dissenting vote) unanimously ordered reported, H.R. 11537, with an amendment, by voice vote.

The amendment to the bill corrected a misspelled word.

Background and Need for the Legislation

MILITARY RESERVATIONS

Public Law 86–797, September 15, 1960, as amended by Public Law 90–465, August 8, 1968 (16 U.S.C. 670a–f), authorizes the Secretary of Defense to carry out a program of planning, development, maintenance, and coordination of wildlife, fish, and game conservation, public recreation, and rehabilitation in military reservations in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior, and the appropriate State agency designed by the State in which the reservation is located.

In implementation of these authorities, a basic agreement has been in effect since 1960 between the Department of Defense and the Department of the Interior covering conservation of fish and wildlife resources on military installations. In addition, a total of 237 cooperative agreements covering approximately 19 million acres of the 25.8 million acres of land controlled by the Department of Defense are in effect between the installation commanders and the designated State agencies.

Under these agreements, and within the funds generated by hunting and fishing fees supplemented by other resources of the Department, many successful and well balanced conservation programs have been developed at Defense installations capable of supporting such a program consistent with the military mission.

Much of this land has tremendous wildlife enhancement potential while other areas are, or could be, important in the preservation of this Nation's threatened and endangered animals. For example, three military installations along the lower California coast, Imperial Beach Naval Air Station, Camp Pendleton, and Point Mugu Naval Air Station, contain important nesting areas for the California least tern and the lightfooted clapper rail; both endangered.

On the China Lake Naval Ordnance Test Station, Calif., watering areas have been developed for the rare desert bighorn sheep. This installation also provides habitat for the desert tortoise, classified by the State of California as a fully protected species. Mohave chub, an endangered species, have been stocked in ponds on this base to insure their protection. The Elk Hills Naval Petroleum Reserve, Calif., serves as a refuge for the endangered San Joaquin Kit Fox. Fort Hood and Camp Bullis in Texas has set aside and are protecting habitat for the rare golden-cheeked warbler.

A cooperative agreement between the Department of Interior and the Air Force Aerial Gunnery Range in South Dakota serves to protect the endangered black-footed ferret. The Okaloosa darter, which is proposed for listing as an endangered species, is found in only five small streams originating on Eglin Air Force Base in Florida.

With the skyrocketing costs of land, it is essential that we maximize other sources for insuring the preservation of the Nation's threatened willdlife. Vast areas of our public lands administered by the Defense Department have outstanding potential as wildlife habitat. These areas can be developed and managed for wildlife, thereby avoiding the additional costs of new area acquisition. In light of the present restrictions placed on Land and Water Conservation Act funds for land acquisition, it is now more critical that we exploit this opportunity for wildlife preservation.

In addition to the potential habitat provided on military lands for the protection of rare and endangered animals, installations which have active programs for fish and wildlife management support over 1.5 million man-days of fishing and considerable hunting. Although statistical data on other recreational activities enjoyed on these lands is not available, without question, however, use is being made by pleasure boaters, nature photographers, birdwatchers, amateur naturalists, and others in pursuit of high quality outdoor recreation. The demand for this type of wildlife-oriented recreation is increasing at a faster rate than it can be provided.

In general, military reservations are open to public hunting and fishing. However, in many areas, due to security measures and ordnance contamination, only employees and their guest are permitted to participate in such activities.

Military lands in many locations across the country can be developed to supplement existing overtaxed public recreation facilities. With an adequate level of technical advice and assistance, opportunities for hunting, fishing, and other wildlife-related outdoor recreation activities can easily be doubled on military lands.

Requests for technical assistance far exceed the capacity to respond. As a result, many opportunities are lost to the detriment of the Department of the Interior. To emphasize the extent of the Department's minimal ability to respond in Fiscal Year 1972, it was only able to provide three man-years of effort. This means less than one visit annually to each installation served. While this man-year effort will remain roughly the same in Fiscal Year 1973, it is expected to decline in Fiscal Year 1974 due to rising costs and funded program priorities. Unless more funds can be made available, it will be virtually

impossible to provide anything more than token participation in this program.

It is estimated that about $750,000 would be required by the Department of the Interior to prepare and maintain management plans and provide an adequate level of technical assistance on military lands alone. An equal or larger amount would be required to implement the plans. Part of these costs can be offset by collection of hunting and fishing fees on all areas open for such activity. By supplementing the revenues received from hunting and fishing with appropriated funds more areas can be developed. Eventually, with adequate development, revenues might be sufficient to support most of the program requirements.

The Department of Defense believes that the current working arrangement with the Department of the Interior to be the most satisfactory method by which military lands can be managed under the multiple use concept. The extension of the authorization to the Department of Defense for funds, as provided in H.R. 75 and H.R. 11537, with funds included for this purpose in the annual Department of Defense Appropriation Act is necessary to assure the continuation of programs successfully implemented under the basic authorities of Public Law 86–797 and to provide for the initiation of conservation and recreation programs where they do not now exist.

The following list, prepared by the Department of Defense, indicates the installations that should be suitable for a more aggressive fish and wildlife program if additional funds were available:

DEPARTMENT OF THE ARMY

Alabama: Redstone Arsenal, Alabama Army Ammunition Plant, Anniston Army Depot.
Arizona: Navajo Army Depot, Ft. Huachuca.
Arkansas: Pine Bluff Arsenal, Ft. Chaffee.
California: Ft. Ord Complex.
Colorado: Ft. Carson.
Georgia: Ft. Benning.
Illinois: Joliet Army Ammunition Plant, Savanna Army Depot.
Indiana: Indiana Army Ammunition Plant, Newport Army Ammunition Plant, Jefferson Proving Grounds.
Iowa: Iowa Army Ammunition Plant.
Kansas: Ft. Riley, Kansas Army Ammunition Plant, Sunflower Army Ammunition Plant.
Louisiana: Louisiana Army Ammunition Plant, Ft. Polk.
Maryland: Aberdeen Proving Grounds, Edgewood Arsenal.
Missouri: Ft. Leonard Wood.
Nebraska: Cornhusker Army Ammunition Plant.
New Jersey: Picatinny Arsenal.
New Mexico: White Sands Missile Range.
New York: Seneca Army Depot.
North Carolina: Ft. Bragg.
Ohio: Ravenna Army Ammunition Plant.
Oklahoma: Ft. Sill.
Pennsylvania: Letterkenny Army Depot.
South Carolina: Ft. Jackson.
Tennessee: Holston Army Ammunition Plant, Milan Army Ammunition Plant.
Texas: Longhorn Army Ammunition Plant, Red River Army Depot, Ft. Bliss.
Washington: Ft. Lewis, Yakima Firing Range.
Wisconsin: Badger Army Ammunition Plant.

DEPARTMENT OF THE NAVY

California: NAS Miramar, NWC China Lake, NRS Dixon, NSGA Skaggs Island, NAVCOMSTA Stockton.
Florida: NAS Cecil Field.
Georgia: NAS Glynco.
Indiana: NAD Crane.
Maryland: NAS Patuxent River.
Mississippi: NAS Meridian.
Nevada: NAAS Fallon.
New Hampshire: NAVSHIPYD Portsmouth.
New Jersey: NAS Lakehurst, NAD Earle.
New York: NWIRP Calverton.
Oklahoma: NAD McAlester.
Rhode Island: NAS Quonset Point, CBC Davisville.
South Carolina: NWS Charleston.
Tennessee: NAS Memphis.
Virginia: Armed Forces Experimental Activity Camp Perry, NWL Dahlgren, NWS Yorktown, Cheatham Annex, NSC, Naval Amphibious Base, Little Creek.
Washington: NRS Jim Creek, NAD Bangor, NAS Whidbey Island.

DEPARTMENT OF THE NAVY (MARINE CORPS)

California: MCB Camp Pendleton.
Hawaii: NCAS Kaneohe.
North Carolina: MCB Camp Lejeune, MCB Cherry Point.
South Carolina: MCB Parris Island.
Virginia: MCB Quantico.

DEPARTMENT OF THE AIR FORCE

Alaska: Elmendorf AFB, Eielson AFB, Clear AFB.
California: Beale AFB, Hamilton AFB, Travis AFB.
Colorado: Academy.
Florida: Tyndall AFB.
Illinois: Scott AFB.
Louisiana: Barksdale AFB.
Massachusetts: Otis AFB, Westover AFB.
Nebraska: Offutt AFB.
New Hampshire: Pease AFB.
New York: Hancock Field.
Missouri: Richard Gebaur AFB.
Puerto Rico: Ramey AFB.
Oklahoma: Altus AFB.
Texas: Matagorda AF Range.
Washington: McChord AFB.
Wyoming: F. E. Warren AFB.

AEC Lands

The Atomic Energy Commission administers approximately 2.1 million acres of public lands. AEC's use of these lands is primarily related to production, research and test activities which involve both security and health and safety considerations. As an incident to its management and control of these lands, AEC has permitted hunting, fishing, and trapping where such activities would be consistent with AEC programmatic, security, and health and safety considerations and with applicable regulations issued by Federal, state, or local authorities.

The AEC has also, consonant with its programmatic functions, initiated a program of multiple land use which does and will contribute

significantly to an understanding of the environment and steps necessary to its conservation and enhancement.

In this regard, the AEC has worked out agreements and arrangements with local, State, and Federal agencies for multiple use of its facilities.

The AEC lands have proven to be valuable wildlife refuges, timber management areas, areas with controlled access for hunting, fishing, picnicking, and hiking; controlled access to rifle and archery ranges, areas for dog obedience and field trials and many other kinds of uses.

Agreements which have been entered into by the AEC with State Fish and Game Departments, other local political subdivisions, or nonprofit sportsman groups have generally contained provisions requiring that the operations be without cost to the Commission or that the Commission be reimbursed for out-of-pocket costs. Upon passage of this legislation, it is anticipated the Commission would continue to follow the same policy in all agreements entered into pursuant to the legislation.

The Commission has not received financial assistance under its agreements with State Fish and Game Departments, other local political subdivisions, or nonprofit sportsman groups with the possible exception of fees collected from each hunter by its Savannah River Plant. A portion of these fees are used to compensate the Commission for out-of-pocket costs of the program with the balance being paid to the State of South Carolina. Over the past years, fees have been collected by the Commission averaging approximately $19,000 per year.

With the exception of the Commission's Savannah River Plant numerical counts of hunters and fishermen gaining admission to AEC facilities are kept by State and other Federal agencies. Admissions for these purposes occur mainly at the AEC's Richland, Washington, and Savannah River, South Carolina, facilities being approximately 4,000 in number at each of the two facilities during Fiscal Year 1972.

For all other AEC facilities, it has been estimated that the annual number of admissions during an average year since fiscal year 1965 was approximately 600 persons. State and Federal agencies has estimated 621 admissions of these other facilities during fiscal year 1972.

Passage of this legislation, in addition to other things, would permit NASA and AEC to control off-road vehicle traffic on their lands since the President's Executive Order 11644 does not include such lands in its coverage.

NASA Lands

The following testimony of the NASA witness at the Committee hearings can best explain the background and need for this legislation as it would relate to NASA land:

> As indicated in our report, submitted to the chairman of the subcommittee on March 7, 1973, not all NASA installations will be subject to this legislation, if it is enacted. By their terms, these bills exclude land designated as a military reservation, a national park or monument, or an area within the national wildlife refuge system.

As we see it, then, this means that such installations as the Marshall Space Flight Center in Huntsville, Ala., the Kennedy Space Center in Florida, and Wallops Station in Virginia, might well be excluded for the following reasons: Marshall, because it is within the perimeter of the Redstone Arsenal, a military installation; and Kennedy and Wallops, because they are already in the wildlife refuge system as a result of agreements we have entered into with the Department of the Interior under our existing authority.

Kennedy Space Center may well be used as an example of our application of this existing authority. At this installation, we have an agreement dating back to 1963 with the Department of the Interior. This agreement was entered into as a means of preserving the natural environment in certain limited areas of the Center.

Just during this past year, however, we expanded this agreement to encompass all the land and water areas at the Kennedy Space Center except those areas occupied by a structure or otherwise in direct operational use. This, in essence, places approximately 140,000 acres at this installation under the single agency management of the Department of the Interior for wildlife conservation and rehabilitation programs.

It appears that wildlife conservation and rehabilitation programs would have only a limited applicability to the remaining NASA installations. This is due to such limiting factors as building density or the lack of existing wildlife.

Possibly the studies and surveys provided for in the legislation would find some potential at the Plum Brook Station, Ohio; the Mississippi Test Facility; the NASA-owned portion of Langley Research Center, Va.; and the Fairbanks Tracking Station in Alaska.

Plum Brook, which is being placed in a standby status as current programs are closed down, contains about 8,000 acres. This installation has an overpopulation of white-tailed deer. NASA works yearly, in a cooperative program with the State of Ohio, to trap portions of this herd and transport them to areas where hunting is permitted.

At the Mississippi test facility, there is also some potential for wildlife programs. As previously covered in prior testimony relating to earlier bills, the 5-year effort along these lines with the State game commission has been unsuccessful. A major factor in this unfortunate circumstance, as we understand it, is the reluctance of land owners in the 118,000-acre buffer zone to permit their holdings to be combined with NASA's 21,000 acres into a very large wildlife area.

Recently local interest has been rekindled in this effort and State representatives have undertaken a new study of the present possibilities. Any hunting privileges extended here would, as at all NASA installations, be consistent with State hunting rules and regulations.

At Langley Research Center in Virginia, a wooded section on the 430-acre parcel owned by NASA provides the habitat

for a herd of deer. This herd is managed for us by the Air Force which owns the adjacent land, part of Langley Air Force Base.

Finally, the NASA tracking station at Fairbanks, Alaska, contains approximately 8,500 acres of public domain land but, up to the present, has attracted little conservation-oriented interest.

NASA expends approximately $10,000 per year of appropriated funds to carry out fish and wildlife programs on its lands.

Agriculture Lands

The Department of Agriculture fully endorses the general objectives of the legislation to improve the management of wildlife and fish habitat on public lands. However, the Department contends it now has sufficient authority to develop and implement programs for the conservation of wildlife and fish on public lands under its jurisdiction by virtue of the Multiple Use-Sustained Yield Act of 1960 (74 Stat. 215). This Act enunciates the principle that the national forests are to be administered for wildlife and fish purposes.

In accordance with this policy, the Department witness indicated at the Committee hearings that the Department has administered the 187 million acres of land in the National Forest System for range, timber, watershed, and wildlife and fish purposes coordinated with outdoor recreation. Furthermore, the witness indicated that the Department has cooperated closely with various States, through cooperative agreements and memoranda of understanding with each State in which National Forest System lands are located.

During fiscal year 1972, the Department expended approximately $6.1 million of appropriated funds in carrying out fish and wildlife oriented programs. In addition, direct expenditures by States on national forest lands amounted to $811,000, with an additional $300,000 being expended from cooperative deposits with the States. The 1973 fiscal year budget for wildlife management for the Forest Service amounted to $7.7 million and the President's budget request for fiscal year 1974 amounted to $7.8 million.

Your Committee would like to point out that even though cooperative fish and game conservation programs are being carried out voluntarily on National Forest lands, this legislation would make it mandatory by a specific act of Congress that such programs be carried out in the future. Also, the legislation would require the cooperative agreements to provide for such activities as wildlife habitat improvements or modifications, range rehabilitation where necessary for the support of wildlife, and the control of off-road vehicle traffic. In addition, the legislation would encourage the issuance of public land area management stamps as a means toward raising additional funds with which to carry out these activities, which your Committee highly endorses.

Interior Lands

Because units of the National Park System, National Monument System, and the National Wildlife Refuge System are exempted from

the coverage of this legislation, the Interior administered lands principally affected by H.R. 11537 would be the 450 million acres administered by the Bureau of Land Management (BLM).

BLM lands are of considerable importance as wildlife habitat, supporting approximately 20 percent of the big game animals of the United States. This includes virtually all of the caribou, brown and grizzly bears, desert bighorn sheep, 80 percent of the moose, 65 percent of the mule deer, and 45 percent of the antelope. Spawning grounds on BLM lands provide more than half of the Alaska and other west coast catch of salmon and steelhead.

To maintain and enhance the fish and wildlife values of these lands, BLM has entered into cooperative, statewide agreements with wildlife agencies of Alaska and 11 Western States. These provide for a mutual effort to facilitate wildlife management on the public lands, including the execution of plans for habitat improvement in areas found to have significant wildlife values.

The Department of the Interior expended approximately $3 million to carry out fish and wildlife conservation programs on BLM lands during the past year and anticipates such expenditures will gradually increase during the coming years. In addition, the Bureau of Sport Fisheries and Wildlife provided without reimbursement, technical assistance to BLM, AEC, NASA, and the Department of Agriculture over the past few years.

Of considerable importance to the Department of the Interior is the authority that would be provided by the legislation to authorize the control of off-road vehicle traffic on BLM lands and specific enforcement authority related thereto with respect to search, seizure and arrest.

At the Committee hearings, the Department of the Interior was asked to compare the President's Executive Order 11644 with the authority provided by this legislation as they would relate to the control of off-road vehicle traffic on Federal lands. Briefly summarized, the Department replied as follows:

> The Executive Order applies to public lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands; Tennessee Valley Authority lands in Western Kentucky and Tennessee, and Defense Department lands are also covered. H.R. 75 applies to public lands of the Department of Interior, not excluding Indian lands; Department of Agriculture and Defense Department lands are also covered. Tennessee Valley Authority lands are not covered. AEC and NASA lands come under the provisions of H.R. 75, but not the Executive Order. * * *
>
> The Executive Order specifically excludes Wilderness Areas and Primitive Areas from having areas and trails for off-road vehicle use. It further allows such use in areas of the National Park System, National Wildlife Refuge System, Nature Areas and Game Ranges only if the respective land management agency head determines that off-road vehicle use in such locations will not adversely affect the natural, aesthetic or scenic values of the area. H.R. 75 excludes National

Parks, monuments and areas within the National Wildlife Refuge System. Provision is not made in H.R. 75 to allow off-road vehicle use in these areas if such use would not conflict with the primary purpose of the area. * * *

H.R. 75 specifies the penalties for violation of the regulations (Section 204(a)(2)) whereas the Executive Order directs agency heads to issue regulations prescribing the penalties for violation of the regulations.

Both the Executive Order and H.R. 75 provide for Federal-State cooperative enforcement. H.R. 75 contains specific enforcement authority related to search, seizure and arrest. The Executive Order is silent on the matter.

It should also be noted that H.R. 75, as introduced, covered only "all-terrain vehicles." H.R. 11537, the clean bill, uses the same term as that of the Executive Order, "off-road vehicle traffic," which is broader in scope.

The following statement made at the Committee hearings by Mr. Daniel A. Poole, President, Wildlife Management Institute, Washington, D.C., in support of the legislation, best explains the need for this legislation as it relates to BLM lands:

The authorities that would be granted under the terms of title II, while not entirely necessary for the other Federal agencies, are of the utmost necessity for BLM.

Speaking frankly, Mr. Chairman, BLM's wildlife and recreation program is a national tragedy. This is because neither successive administrations nor Congresses have acted to give BLM the authority it needs to properly manage lands under it control. BLM urgently needs authority and funding. Title II would be of the utmost benefit to the agency's program should the authority be actually implemented to a desirable degree. * * *

The Institute supports the cooperative concept for refining wildlife management on public land embodied in Title II of H.R. 75 and H.R. 733. Although both the Interior and Agriculture Departments have authority to carry out cooperative programs with state wildlife agencies, and are doing so in several states, we believe this directive may stimulate more cooperation. It is important that both state and federal levels work closely in managing wildlife and other natural resources. As this Committee well knows, funding at both the federal and state levels for wildlife is always the last to be added and the first to be cut. Neither level of government, under these circumstances, is able to do the job alone. Therefore, the directive of these proposals to actively seek more cooperative effort is desirable.

As a final point, Mr. Chairman, we endorse the concept of issuing "public land management area stamps" for access to Interior and Agriculture areas managed under cooperative agreements with the states. The earmarked money would be used to help finance wildlife management programs carried out on federal public lands by administrating federal agencies and cooperating state agencies. In this way, those who actually

use the public resource will pay a greater share of the management expense. This type program has worked well on national forests in Virginia and other states. In our opinion it would provide much needed money to enhance wildlife and other resources on millions of acres of public land.

We support the objectives of these proposals and hope the Committee can move them promptly.

What The Bill Does: Section-by-Section Analysis

As indicated in the legislative background of this report, your Committee ordered reported to the House, H.R. 11537, with an amendment. The amendment to the bill corrected a misspelled word.

There follows a section-by-section summary of H.R. 11537, accompanied by discussion where appropriate.

TITLE I

Conservation Programs on Military Lands

SECTION 1

Under Section 1 of present law, known as the Sikes Act (16 USC 670a), the Secretary of Defense, in conjunction with the Secretary of the Interior and the appropriate State agency, is authorized to carry out wildlife, fish and game conservation and rehabilitation programs on military reservations in accordance with a cooperative plan mutually agreed to by the Secretaries and the appropriate State agency. Such agreements may call for the issuance of a special State hunting and fishing permit, with fees to be collected by the Commanding Officer at the reservation as agent for the State and expended on the conservation plan.

In addition, under Section 3 of the Act (16 USC 67b), the Secretary of Defense, in cooperation with the Secretary of the Interior and the appropriate State agency, is authorized to carry out a program for the conservation, restoration, and management of migratory game birds on military reservations, including the issuance of special hunting permits, the collection of fees, and the expenditure of such funds in accordance with a mutually agreed to plan.

Also, under Section 3 of the Act (16 U.S.C. 670c), the Secretary of Defense is authorized to carry out a program for the development, enhancement, operation, and maintenance of public outdoor recreation resources on military reservations in accordance with a cooperative plan mutually agreed to by the Secretaries of the Interior and Defense, in consultation with the appropriate State agency.

Under Section 6(b) of the Act (16 USC 670f(b)), there is authorized to be appropriated to the Secretary of Defense, not to exceed $500,000 per year for each of fiscal years 1970, 1971, and 1972.

The need for legislation arises from the fact that the appropriation-authorization under the Sikes Act expired June 30, 1972.

Section 1 of the bill would amend section 1 of the Act to require that any cooperative plan entered into between the Secretaries of Defense and Interior, and the appropriate State agency, contain provi-

sions for: (1) fish and wildlife habitat improvements or modifications; (2) range rehabilitation, where necessary, for support of wildlife; and (3) control of off-road vehicle traffic.

It is to be noted that the President's Executive Order 11644, dated February 8, 1972, requiring the control of off-road vehicles on the Public Lands, would be applicable to military reservations. Your Committee felt that such a requirement should also be included in this legislation since it provides enforcement authority and uniform penalties for violators. Also, it would make the requirement for control of off-road vehicle traffic permanent by including the requirement in an Act of Congress, as compared to an Executive Order, which could be withdrawn at any time by another Executive Order.

Also, section 1 of the bill would amend section 6(b) of the Act to increase the amount of funds authorized to be appropriated to the Secretary of Defense from $500,000 to $1.5 million per year, and extend the program for an additional six years, from July 1, 1972 to June 30, 1978.

Under present law, the appropriation-authorization expired June 30, 1972. The bill, for continuity purposes, would authorize appropriations beginning with Fiscal Year 1973. Since fiscal year 1973 has already expired, there would be no cost to the Federal Government for that fiscal year.

In addition, section 1 of the bill would amend section 6(b) of the Act to authorize to be appropriated to the Secretary of the Interior the sum of $2 million per year for a period of five years, from July 1, 1973, to June 30, 1978, to enable the Secretary to carry out his functions and responsibilities that he may have as a party to any cooperative plan entered into pursuant to this title.

Both the Department of Defense and the Department of the Interior witnesses indicated at the Committee hearings that the funds authorized to be appropriated under this title of the bill would be in keeping with their needs if they are to adequately carry out the intent of the legislation. Your Committee would like to express disappointment over the meager funds expended by each of the departments since the inception of the Act in 1960. In addition, your Committee would like to encourage the departments to make sure that the appropriation-authorizations are fully funded during the extension of this program because it is only in this way that the more than 200 cooperative agreements covering approximately 20 million acres of Department of Defense lands can be adequately implemented.

SECTION 2

Section 2 of the bill would amend the Sikes Act by adding at the end thereof a new Title II, with the language of Title II of the bill.

TITLE II

Conservation Programs on Certain Public Lands

SECTION 201—IMPLEMENTATION OF COMPREHENSIVE PLAN

Section 201 of the bill would extend the concept of the Sikes Act to certain other public lands throughout the United States.

In achieving this purpose, section 201(a) would require the Secretary of the Interior and the Secretary of Agriculture, in cooperation with the State agencies and in accordance with comprehensive plans developed pursuant to Section 202 of the bill, to plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game. Such programs would be required to include, among other things, specific habitat improvement projects and related activities.

In addition, section 201(b) would require the Secretary of Agriculture to implement such programs on public land under his jurisdiction and the Secretary of the Interior to implement such programs on certain public land under his jurisdiction, and with the prior written consent of the Administrator of NASA, on public land under his jurisdiction, and with the prior written approval of the Atomic Energy Commission, on public land under the jurisdiction of the Chairman.

SECTION 202—DEVELOPMENT OF COMPREHENSIVE PLAN

Section 202(a)(1) of the bill would require the Secretary of the Interior to develop, in consultation with the State agencies, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under his jurisdiction. The Secretary of Agriculture would be required to do the same in connection with public land under his jurisdiction. In addition, section 202(a)(2) of the bill would require the Secretary of the Interior, after necessary studies and surveys of the land concerned have been made, to do the same with respect to public land under the jurisdiction of the Chairman and the Administrator, with the prior written approval of the AEC and the Administrator, as the case may be.

Section 202(b) of the bill would require each comprehensive plan developed to be consistent with any overall land use and management plans for the lands involved.

Your Committee would like to point out that this requirement was included in the bill because of concern expressed by witnesses of the Department of the Interior at Committee hearings in the 92nd Congress on the predecessor legislation to the effect that legislation was not needed since legislation pending at the time that would direct the Secretary of the Interior to develop land use plans for the public lands under his jurisdiction, mainly for the benefit of Bureau of Land Management lands. This legislation is intended by your Committee to supplement and be consistent with any overall land use and management plan that may be developed under any other public law. It is also intended to allay any concern that fish and wildlife programs would constitute a dominant use on public land areas to the exclusion of other appropriate uses.

In addition, section 202(b) would require any hunting, trapping, or fishing of resident species under a plan to be conducted in accordance with applicable State laws and regulations of the State involved.

Section 202(c)(1) would provide the necessary authority for a State agency to enter into a cooperative agreement with—

(A) The Secretary of the Interior concerning the carrying out of programs on public land under his jurisdiction; (B) the Sec-

retary of Agriculture, concerning the carrying out of programs on public land under his jurisdiction; and (C) with the Secretary of the Interior and the Chairman or the Administrator, as the case may be, concerning the carrying out of programs on public land under the jurisdiction of the Chairman or the Administrator.

However, before entering into any cooperative agreement affecting public land under the jurisdiction of the Chairman or the Administrator, as the case may be, the prior written approval of such agencies would be required.

Also, this subsection would prohibit the carrying out of any such programs under this title unless they are included within a cooperative agreement. As previously pointed out in this report, your Committee does not feel that this prohibition would present a problem to the Federal agencies concerned since each of the affected agencies provided testimony at the Committee hearings that all of the public land that would be affected by this legislation is already subject to cooperative agreements with the States.

Subsection 202(c)(2) of the bill would authorize any program included in a cooperative agreement to be modified in a manner mutually agreeable to the State agency and the Secretary concerned. However, before modifying an agreement affecting AEC or NASA lands, the Secretary of the Interior would be required to obtain the prior written approval of the AEC or the Administrator, as the case may be.

Section 202(c)(3) would require any cooperative agreement entered into under this subsection to (A) specify those areas of public land within the State affected; (B) provide for fish and wildlife habitat improvement; (C) provide for range rehabilitation; (D) require the control of off-road vehicle traffic; (E) if the issuance of a public land area management stamp is agreed to by the State involved, require the maintenance of accurate records and the filing of annual reports with respect to the disposition of fees collected for such stamps and the making available of such records to the Secretary concerned and the Comptroller General of the United States for purposes of audit and examination; and (F) contain such other terms and conditions as the Secretary concerned and the State agency deem necessary, such as authorizing officers and employees of the State agency to assist in the enforcement of section 204, the penalty provision of this title.

Section 202(c)(4) of the bill would make it clear that, except where limited under a comprehensive plan or pursuant to a cooperative agreement, hunting, fishing, and trapping would be permitted on public land subject to a program implemented under this title.

Section 202(c)(5) would require the Secretaries to prescribe such regulations as may be necessary to control the public use of public land subject to any agreed to program implemented under this title. Your Committee would like to emphasize that it expects the Secretary of the Interior and the Secretary of Agriculture to give adequate publicity on any regulations prescribed by them pursuant to this title. Your committee is concerned that many people will not be aware of such regulations when going on or participating in activities on Federal lands subject to an agreed to program. In this regard, considera-

tion should be given to publishing such regulations in the Federal Register, local newspapers in the area involved, and the printing of such regulations on the back of each public land management area stamp issued. Also, consideration should be given to posting such regulations at some appropriate place on or near the areas involved.

SECTION 203—PUBLIC LAND MANAGEMENT AREA STAMP

Section 203(a) of the bill would authorize a State agency to agree with the Secretary of the Interior and/or the Secretary of Agriculture, as the case may be, that no one would be permitted to hunt, trap, or fish on any public land within that particular State, which is subject to a conservation and rehabilitation program unless such individual has on his person at the time he is engaged in such activity a valid public land management area stamp issued pursuant to this section.

It is to be noted that a public land management area stamp is not required in order to hunt, fish, or trap on any public land subject to an agreement unless the State concerned so agrees pursuant to the cooperative agreement. In other words, it is up to the State agency to decide whether or not such a stamp will be required.

Section 203(b) would require the following conditions to be met should an agreement be entered into between the State and the Secretary of the Interior and/or Secretary of Agriculture, as the case may be, requiring the issuance of public land management area stamps in order to hunt, trap, or fish in the State concerned on public land subject to an agreed-to program: (1) the stamps to be issued, sold, and the fee collected by the State agency or authorized designee; (2) the fees collected, after deducting printing, issuing and selling expenses, to be used to carry out conservation and rehabilitation programs implemented under this title in the State concerned and for no other purpose. If hunting, trapping and fishing are permitted on both Agriculture and Interior lands within a State under programs implemented under this title, then the Secretaries of Agriculture and the Interior would be required to mutually agree on a basis as to how the stamp fees collected would be divided, that is to say, the percentage of the stamp sales to be expended by the State agency on Agriculture programs and the percentage to be expended on Interior programs; (3) the purchaser of any such stamp would be entitled to hunt, trap, and fish on any public land within such State subject to a program implemented under this title, except to the extent that the public area of such land is limited pursuant to an agreed-to plan. However, the purchaser of such stamp would not be relieved of meeting the requirements of the Migratory Bird Hunting Stamp Act (if he is hunting migratory birds) or from complying with any applicable State game and fish laws and regulations; (4) each stamp would be void not later than one year after the date of issuance and the State agency and the Secretary or Secretaries concerned would be required to agree on the fee to be charged for such stamps, the age at which an individual is required to acquire such a stamp, and the expiration date of such stamps; (5) each purchaser would be required to validate a stamp by signing his name across the face of such stamp; and (6) each purchaser of a stamp upon request would be required to show such stamp

for inspection to personnel authorized to enforced section 204(a) of this title, the penalty provision.

SECTION 204—PROHIBITED ACTS, PENALTIES, AND ENFORCEMENT

Section 204(a)(1) would provide criminal penalties for anyone who hunts, traps, or fishes on any public land subject to an agreed-to program without having on his person a valid public land management area stamp, if the possession of such a stamp is required. Violators would be subject to a fine of $1000 or imprisonment for six months, or both.

Section 204(a)(2) would provide criminal penalties for anyone who knowingly violates or fails to comply with any regulations prescribed under section 202(c)(5) of this title, which authorizes the Secretaries to prescribe appropriate regulations necessary to control the public use of any public land subject to an agreed-to program. Violators would be subject to a fine of $500 or imprisonment of six months, or both.

The predecessor bill, H.R. 75, as introduced, made no distinction between a violation of the Act and a violation of regulations issued pursuant thereto. Your Committee, after much discussion, felt it necessary to make such a distinction, and the bill, H.R. 11537, so provides. Accordingly, the main prohibition of this title goes to the hunting, trapping or fishing on Federal lands under an agreed-to program without just obtaining a public land management area stamp. Anyone who participates in such activities, whether knowingly, willfully, or unintentionally, would be subject to the penalty as provided in subsection (a)(1), namely, a fine of $1000 or six months imprisonment, or both. With respect to any regulations issued, only those regulations knowingly violated would be prohibited under subsection (a)(2). Violators of the regulations would be subject to a lesser penalty, namely, a fine of $500 or six months imprisonment, or both. In this regard, your Committee would like again to emphasize the need to give adequate publicity to any regulations issued pursuant to this title. Otherwise, it might make convictions more difficult to obtain and regulations more difficult to enforce.

Section 204(b)(1) would authorize the Secretaries to designate and authorize officers and employees of their respective departments, including State officers and employees pursuant to a cooperative agreement, to enforce subsection (a) of this section. These officials would be authorized (A) with or without a warrant or other process, to arrest any person committing an offense under subsection (a); (B) to execute any warrant or other process duly isued for the arrest of any person charged with an offense; and (C) with or without a warrant, as authorized by law, to search any place.

In connection with the latter point—to authorize any place to be searched with or without a warrant, as authorized by law—your Committee would like to make it clear that this provision in no way provides any additional or new authority. In other words, the language of this provision does not expand nor contract existing law relating to the search of a place.

Paragraph (2) of this subsection would authorize U.S. magistrates or courts of competent jurisdiction to issue warrants for violations of subsection (a).

Paragraph (3) would authorize U.S. magistrates to try and sentence violators in the same manner and subject to the same conditions as provided in section 3401 of title 18, U.S.C., which provides jurisdiction to U.S. magistrates over minor offenses. ("Minor offenses" means misdemeanors punishable under U.S. law, the penalty for which does not exceed one year imprisonment or a fine of not more than $1,000, or both.)

Section 204(c) would provide that all guns, traps, nets and other equipment, and any means of transportation used by anyone when committing an offense, are subject to forfeiture and may be seized pending criminal prosecution of such process. Upon conviction, such forfeiture may be adjudicated as a penalty in addition to any other penalty imposed.

Section 204(d) would preserve existing Customs laws regarding seizures.

This subsection would provide that all provisions of law relating to seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission and mitigation of such forfeitures shall apply to seizures and forfeitures incurred or alleged to have been incurred under the provisions of this Act. However, such customs laws would apply only to the extent that they are applicable and not inconsistent with the provisions of this Act. All powers, rights, and duties conferred or imposed by the custom laws upon any officer or employee of the Treasury Department would be required for the purposes of this Act to be exercised or performed by the Secretary of the Interior, or the Secretary of Agriculture, or their designees.

This subsection would have the effect of placing the forfeiture provision under the responsibility of the Secretary of the Interior or the Secretary of Agriculture except in cases where the value of the equipment or the fish or wildlife seized exceeds $2,500 or where a person claiming an interest in these articles files a claim within 20 days from the date of first publication of notice of seizure and gives a bond to the United States in the penal sum of $250 with securities approved by the Secretary. In case of condemnation of the articles so claimed, the obligor would be required to pay all the costs and expenses of the proceeding to obtain condemnation. These cases would be referred to the United States Attorney in the District where seizure was made for appropriate action.

Also, subsection (d) is designed to save harmless those who have a proprietary right in the equipment used in perpetrating violations but who do not actually participate in the wrongdoings or were not significantly involved in the criminal enterprise.

SECTION 205—DEFINITIONS

Section 205 would define the various terms used throughout Title II of the bill, such as:

(1) "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) "Chairman" means the Chairman of the Atomic Energy Commission;

(3) The term "off-road vehicle" means the same as the term when used in the President's Executive Order 11644, dated February 8, 1972. This term means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; but such term does not include (A) any registered motorboat, (B) military, fire, emergency or law enforcement vehicle when used for emergency purposes, and (C) any vehicle the use of which is authorized by the Secretaries under a permit, lease, license, or contract.

As previously explained in the legislative background of this report, the term "off-road vehicle" is broader in scope than the term "all-terrain vehicular traffic" as used in the predecessor bill, H.R. 75, as introduced. Your Committee deemed it advisable to provide for control of as much vehicular traffic as possible on public lands in the interest of conservation. Also, uniformity would be achieved in that it is identical to the term used in the President's Executive Order.

(4) The term "public land" means all lands under the respective jurisdictions of the Secretaries, Chairman, and the Administrator, except it does not mean land which is, or hereafter may be, within or designated as—

(A) a military reservation (which is covered under Title I of the bill, and is the subject of an existing program similar to that authorized by this title);

(B) a national park or monument (these lands are under the jurisdiction of the Secretary of the Interior and were excluded because they are closed to hunting); or

(C) an area within the national wildlife refuge system (under existing law, these lands which are under the jurisdiction of the Secretary of the Interior already have authority to accomplish the purposes of Title I of this bill, and also many of the areas within the system are involved with the protection of endangered species of fish and wildlife).

(5) "State" means the agency or agencies of a State responsible for the administration of fish and game laws of the State (in some States different agencies administer the fish and/or game laws of a State, and if it is necessary to accomplish the purposes of this legislation, then both agencies should be a party to any cooperative agreement entered into pursuant to this title).

SECTION 206—FUNDING AUTHORIZATIONS

Section 206 of the bill would authorize to be appropriated the sum of $10 million per year each to (a) the Department of the Interior and (b) the Department of Agriculture to carry out their respective functions and responsibilities under this title.

It is to be noted that the funds authorized to be appropriated to the Department of the Interior include those funds that would be needed to carry out programs on AEC and NASA lands.

SECTION 3—CONFORMING TECHNICAL CHANGES

Section 3 of the bill would provide conforming technical changes to the Sikes Act to allow for making two titles out of the Act.

Cost of the Legislation

In the event this legislation is enacted into law, your Committee estimates the maximum cost to the Federal Government to be $23.5 million per year for fiscal years 1974, 1975, 1976, 1977, and 1978.

The cost each year for the five-year life of the legislation, would be broken down as follows:

	Millions
Title I:	
Department of Defense	$1.5
Department of the Interior	2.0
Title II:	
Department of Agriculture	10
Department of the Interior	10
Total	23.5

Departmental Reports

H.R. 75 (a similar bill to H.R. 11537) was the subject of several departmental reports and follow herewith:

U.S. Department of the Interior,
Office of the Secretary,
Washington, D.C., March 7, 1973.

Hon. Leonor K. Sullivan,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

Dear Madame Chairman: Your Committee has requested the views of this Department on the following:

H.R. 75, a bill "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands";

H.R. 731, a bill "To establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes";

H.R. 733, a bill "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands"; and

H.R. 4327, a bill "To extend the authorization for appropriations to carry out conservation and rehabilitation programs on military reservations".

We recommend in favor of enactment of H.R. 4327, and against the enactment of H.R. 75, H.R. 731, and H.R. 733.

Each of these bills would amend, in some way, the Act of September 15, 1960, as amended (16 U.S.C. 670a–f). This Act provides for participation by the Department of the Interior and Defense and State agencies in planning, development and maintenance of fish and wildlife resources on military reservations throughout the United States, and authorizes a cooperative migratory game bird management program on such reservations. The Act was amended in 1968 to authorize a

program for development of and maintenance of outdoor recreation resources and annual appropriations of $500,000 to the Defense Department in fiscal years 1969, 1970 and 1971.

H.R. 75 and H.R. 733 would extend the appropriations authorized in section 6(b) of the Act of September 15, 1960, for an additional five years, July 1972 through July 1, 1976. In addition, they would authorize an annual appropriation of $1.5 million, an increase of $1 million over the previous authorized annual funding level, to the Department of Defense. A new appropriation is included for the Secretary of the Interior of $1 million annually. In addition, both bills would amend section 1 of the Act of September 15, 1960, by adding new language specifying the activities to be included in the required cooperative management plans.

H.R. 4327 also amends the Act of September 15, 1960, by extending the Department of Defense annual appropriation to July 1, 1976. The bill provides for an increase in Department of Defense funding not to exceed $1.5 million.

H.R. 75, 731 and 733 include an amendment to the Act of September 15, 1960, which would add a new title providing for conservation and rehabilitation of wildlife, fish and game on certain public lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the AEC and NASA.

Considerable military land contains habitat important to the management and preservation of migratory birds, while other areas are or could be essential for the survival of this Nation's endangered animals. Furthermore, military installations which have active programs under the Act of September 15, 1960, support over 1.5 million man-days of fishing and considerable hunting. With adequate technical assistance this high-demand wildlife related outdoor recreation activity could be easily doubled.

Requests from military installations for technical advice and assistance and to implement cooperative plans are far in excess of our ability to respond. Our fish and wildlife specialists are able to provide only minimal assistance. A total of 241 cooperative agreements covering approximately 19 million of the total 26 million acres of land controlled by the Department of Defense are currently in effect.

In fiscal year 1972 we were able to provide 3 man-years of effort to this program. This meant that some 25,000 acres of water, seven hundred miles of streams or several thousand acres of land can be given only a quick check. In fiscal year 1973 the number of man-years of effort we can provide will be about the same.

We estimate that about $750,000 would be required to prepare and maintain management plans and provide an adequate level of technical assistance. An equal or larger amount would be required to implement the plans. Initially a small portion of the money can be obtained from revenues generated from charges for hunting and fishing. Eventually, with adequate development, revenues might be sufficient to support most of the program requirements.

While we favor extending the authorization for this program for an additional five years, we do not believe there is a need for additional authority as provided in H.R. 75, H.R. 731 and H.R. 733 for the improvement of fish and wildlife habitat on public lands. Accord-

ingly, we recommend the enactment of H.R. 4327, with the understanding that program funding will be predicated on present and future fiscal conditions and that continued and increased emphasis should be given to the collection of fees.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,
Assistant Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 9, 1973.

Hon. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives.

DEAR MADAM CHAIRMAN: This is in reply to your request for a report on H.R. 75 and H.R. 733, bills "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain lands."

This Department recommends that the bills not be enacted.

The bills would in part direct the Secretary of the Interior and the Secretary of Agriculture to develop and implement programs for the conservation and rehabilitation of wildlife, fish, and game on public land under their respective jurisdictions. Such programs would be conducted in accordance with a comprehensive plan developed in consultation with State agencies responsible for the administration of the fish and game laws. No program under Title II of the bills could be implemented on public lands by the Secretaries unless it were included within a cooperative agreement entered into with the State agencies. Cooperative agreements would stipulate, for example, the areas of public land within the State where programs will be implemented, and could provide for the issuance of public land management area stamps.

If the issuance of stamps was provided under a cooperative agreement, no individual would be permitted to hunt, trap, or fish on public land unless he had purchased a stamp. Proceeds from sale of the stamps could be utilized only to further the wildlife and fish conservation programs on public lands, as defined in the bills, within the States where collected. Penalties would be provided for persons hunting, trapping, or fishing without a valid stamp where required, and the Secretaries would be authorized to enforce provisions of the bill.

The Department of Agricuture fully endorses the general objectives of the bills to improve the management of wildlife and fish habitat on public lands. However, the Secretary of Agriculture now has sufficient authority to develop and implement programs for the conservation of wildlife and fish on public lands under his jurisdiction. The Multiple Use-Sustained Yield Act of 1960 (74 Stat. 215), for instance, clearly establishes that the National Forests are established and are to be administered for wildlife and fish purposes.

We recognize the need for cooperation and coordination between States, which have responsibilities for wildlife and fish on Federal lands, and the Federal agencies, which have custody of the land and habitat upon which the animals are dependent. The Forest Service of this Department now has cooperative wildlife management agreements or memoranda of understanding with State fish and game agencies in each State which contains a significant acreage of National Forest System lands. The results of these mutual administrative efforts and the objectives of the comprehensive plan contemplated by the bills are nearly the same.

We expect strong Federal-State cooperation to continue under existing authorities, with a continued improvement of the wildlife and fish resources on the National Forest System and adjacent private lands. In 1971, the States contributed approximately one million dollars to wildlife and fish habitat improvement programs on National Forest lands. In addition to the cooperative agreements or memoranda of understanding, nine States now charge a special State fee for hunting or fishing on certain intensively managed National Forest System areas.

We are concerned with some of the new and mandatory authorities that the bills would provide. As we interpret section 202(c) of the bills, no wildlife or fish conservation or rehabilitation project could be undertaken by this Department on lands under its jurisdiction unless the project were included in a cooperative agreement." Such a provision could seriously interfere with a range of authorized management activities on the National Forest which can have an impact on wildlife habitat. Further, section 202(c) would require the each "cooperative agreement" shall provide for controlled burning and control of all-terrain vehicular traffic. Options should be kept open on the use or non-use of controlled burning. We have adequate authority to control all-terrain vehicles, and along with the Department of the Interior, have recently proposed specific off-road vehicle regulations which could be applied whenever and wherever needed.

In view of adequate existing authority, and the possible imposition of requirements that would conflict with the overall responsibilities of this Department, we would prefer to continue existing arrangements and cooperative programs in lieu of those which would be provided by H.R. 75 and H.R. 733.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., March 8, 1973.

Hon. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives.

DEAR MRS. SULLIVAN: Thank you for the oportunity to express our views on H.R. 75 and H.R. 733, bills "[t]o extend and expand the

authority for carrying out conservation and rehabilitation programs on military reservations and to authoize the implementation of such programs on certain public lands unde the jurisdiction of the Department of the Interior, the Department of Agricultue, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes."

Although the Commission supports the basic objective of the proposed legislation to protect and conserve wildlife, fish and game resources on the public lands, we believe that Federal-state cooperation in this area can be effectively achieved administratively and without the need for additional statutory requirements. Accordingly, we would be opposed to enactment of H.R. 75 or H.R. 733 at this time.

The Atomic Energy Commission administers approximately 2.1 million acres of public lands. AEC's use of these lands is primarily related to production, research and test activities which involve both security and health and safety considerations. As an incident to its management and control of these lands, AEC has permitted hunting, fishing, and trapping where such activities would be consistent with AEC programmatic, security, and health and safety considerations and with applicable regulations issued by Federal, state, or local authorities.

The AEC has also, consonant with its programmatic functions, initiated a program of multiple land use which, we believe, does and will contribute significantly to an understanding of the environment and steps necessary to its conservation and enhancement.

The bills, as we understand them, would, among other things, authorize and direct the Secretary of the Interior, in cooperation with state fish and game departments, to carry out the planning, development, maintenance, and coordination of wildlife, fish and game conservation and rehabilitation programs on public lands administered by the Atomic Energy Commission and the National Aeronautics and Space Administration. These programs would be carried out in accordance with comprehensive plans developed by the Secretary in consultation with AEC and NASA. Such plans would regulate the public use of the public lands on which a conservation or rehabilitation program would be implemented, except that where hunting, trapping, or fishing is permitted under the plan, such activity would be conducted in accordance with applicable laws and regulations of the state in which the lands are located.

No program would be implemented unless it is included in a cooperative agreement entered into between the Secretary and the appropriate state agency. The Atomic Energy Commission or the National Aeronautics and Space Administration would be a party to those agreements involving public land under the jurisdiction of such agency. Programs could be modified by agreement of the Secretary, the state, and AEC or NASA, as the case may be, unless the Secretary considers such modification to be inconsistent with the purposes of this proposed legislation. Such agreements may require that persons seeking to hunt, trap, or fish have an unexpired annual public land management area stamp issued by the state for a fee as set forth in the cooperative agreement. The stamp fees would be used to defray the costs of administering the conservation or rehabilitation program.

Failure to obtain the stamp or violation of a plan's regulations would be punishable as a misdemeanor.

Should the Committee conclude legislation desirable, the bills should be amended in order to clearly reflect that any conservation program to be put into effect on lands under the jurisdiction of AEC have the specific agreement of AEC in order that we may be assured that such program is compatible with AEC programmatic uses and needs, including health and safety considerations.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

R. E. HOLLINGSWORTH,
General Manager.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., March 7, 1973.

Hon. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: This is in further reply to your request for the comments of the National Aeronautics and Space Administration on the bills H.R. 75 and H.R. 733, both entitled, "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands."

These bills, which are substantially the same, would extend and expand the authority for carrying out wildlife, fish, and game conservation and rehabilitation programs on military installations, and would authorize the implementation of such programs on lands of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

With specific regard to the provisions applicable to this agency, H.R. 75 and H.R. 733 provide that the Secretary of the Interior shall, after consultation with the Administrator of NASA, develop a comprehensive plan for such programs as are to be implemented on public lands under the jurisdiction of NASA. Each such plan will be developed after the Secretary, in cooperation with the Administrator, and in consultation with cognizant State agencies, studies and surveys the land to determine where conservation and rehabilitation programs are most needed. Further, each comprehensive plan so developed must be consistent with NASA's over-all land use and management plans for the particular land. No conservation or rehabilitation program may be implemented until it is included within a cooperative agreement entered into by the Secretary of the Interior, the Administrator of NASA, and the State agency concerned. The proposed legislation would require the Secretary of the Interior to prescribe regulations for the control, in a manner consistent with the comprehensive plan and cooperative agreement, of the public use of land subject to any conservation and rehabilitation program.

Certain major NASA installations would be excepted by the terms of the bills from inclusion in the above conservation and rehabilitation programs. Kennedy Space Center and Wallops Station would be excepted because, by interagency agreement, they are already within the national wildlife system. The Marshall Space Flight Center and portions of certain other NASA installations would be excepted because they are within the perimeter of a military installation.

It is generally NASA policy to seek multiple use of its lands provided such uses are subservient to the agency's overriding mission, and provided such uses are compatible with NASA current and foreseeable programs. The substantive content of H.R. 75 and H.R. 733 does not conflict this current NASA policy. However, this agency already possesses adequate authority to enter into plans and agreements such as are described in the proposed legislation. The aforementioned agreements with the Department of the Interior concerning the Kennedy Space Center and Wallops Station are very satisfactory examples of this.

As stated above, the Department of the Interior would, under the proposed legislation, be the agency responsible for the preparation of any plans involving NASA land. Furthermore, under the legislation, the Department of the Interior would also have responsibility for implementing plans on lands of the Atomic Energy Commission and lands under its own control. The NASA lands constitute only a very small proportion of the acreage involved. Accordingly, NASA defers to the Department of the Interior, as the principal agency involved, for a determined as to the need for and desirability of this legislation.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely,

_____,

(For H. Dale Grubb, *Assistant Administrator for Legislative Affairs.*

DEPARTMENT OF JUSTICE,
Washington, D.C., August 1, 1973.

Hon. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 75 and H.R. 733, bills "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands."

The bills are identical except in their respect sections numbered 204, Both bills, in Section 204(a), provide penalties consisting of a fine of not more than $1,000, or imprisonment for not more than six months, or both, for any person who (1) hunts, traps or fishes on any public land subject to a conservation and rehabilitation program implemented under the Act without having on his person a valid public land management area stamp, if the possession of such a stamp is re-

quired; or (2) violates or fails to comply with any regulation prescribed by the Secretary of the Interior or the Secretary of Agriculture under the authority of the Act as provided in Section 202(c)(5).

Section 204(b) of both bills are identical as to parts (A) and (B) under subsection (1). This subsection provides for the designation of enforcement officers by the Secretary of the Interior and the Secretary of Agriculture from among employees of their respective departments, which officers, together with any State officers or employees designated under a cooperative enforcement agreement, are authorized (A) with or without warrant or other process, to arrest any person committing in their presence or view an offense under subsection (a) of Section 204 and (B) to execute any warrant or process issued by an officer or court of competent jurisdiction for the arrest of any person charged with the commission of any such offense. In addition, H.R. 75 contains a part (C), not in H.R. 733, which would allow such enforcement officers to search any place, with or without a warrant, as authorized by law. Subsection (2) of both bills empowers any United States magistrate or court of competent jurisdiction, upon sworn information by a competent person, to issue process for the arrest of any person charged with committing any offense under Section 204(a), and subsection (3) provides for the trial and sentencing of any such person by any United States magistrate designated for that purpose by the court by which he was appointed, subject to the provisions of Section 3401 of Title 18, United States Code.

Section 204(c) of both bills subjects to seizure, pending prosecution and ultimate conviction, oll guns, traps, and other equipment, as well as vessels, vehicles and other means of transportation used by any person in committing an offense under Section 204(a). In addition, H.R. 733 specifies that such forfeited property shall be disposed of and accounted for by, and under the authority of, the Secretary of the Interior or the Secretary of Agriculture, as the case may be. H.R. 75 contains a final subsection (d) directing that all provisions of law relating to the seizure, forfeiture, condemnation and disposition of a vessel for violation of the customs laws shall apply to seizures and forfeitures arising under the provisions of this section, except that the powers and duties imposed by the customs laws upon representatives of the Department of the Treasury shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or the Secretary of Agriculture, as the case may be, or by such person as may be designated by either Secretary.

The present law governing conservation programs on military reservations (16 U.S.C. 670(a) through (f)) contains no penalty provisions. It simply authorizes the commanding officer of the reservation involved and his designees to enforce the use of special hunting and fishing permits and to collect the fees therefor. This basic authority would remain untouched under the terms of both bills. However, it might be indirectly fortified by the provisions of Section 202(c)(5) authorizing the Secretary of the Interior and the Secretary of Agriculture to prescribe regulations in connection with conservation and rehabilitation programs implemented under the proposed Act, the violation of which regulations in turn carries criminal penalties as prescribed in Section 204(a).

The Department of Justice has no objection to the criminal penalties that would be prescribed by either of these bills. With respect to the individual differences between the two bills, we favor the more specific provisions of Section 204(d) of H.R. 75 over the simple provision in the last sentence of Section 204(c) of H.R. 733 that forfeited property shall be disposed of and accounted for by, and under the authority of the Secretary of the Interior or the Secretary of Agriculture. We also recommend inclusion of the provision of Section 204(b)(1)(C) of H.R. 75 empowering officers to conduct searches of any place, with or without a warrant, as authorized by law.

As to whether this legislation should be enacted, the Department of Justice defers to the Departments of Interior, Agriculture and Defense.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

MIKE MCKEVITT,
Assistant Attorney General.

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., March 9, 1973.

Hon. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: Your letter of February 2, 1973, requested the views of the General Services Administration on H.R. 75 and H.R. 733, 93rd Congress, similar bills "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands."

The bills provide for (1) the expansion of the existing Department of Defense program for the planning, development, maintenance and coordination of wildlife, fish and game conservation and rehabilitation in military reservations (including hunting and fishing regulation) in cooperation with the Department of the Interior and the appropriate State agency involved as authorized by the Act of September 15, 1960 (16 U.S.C. 670a–f); and (2) the establishment of a program similar to the conservation and rehabilitation program now authorized for the Department of Defense which would be applicable to the lands under the jurisdiction of the Department of Agriculture, the Department of the Interior, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

Inasmuch as the wildlife, fish, and game conservation and rehabilitation programs relate to the management of lands in active use under the jurisdiction of the agencies concerned and would not involve disposition of such lands pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the functions and responsibilities of GSA would not be affected by either bill.

Accordingly, we defer on the merits of the bill to the agencies directly concerned.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to your Committee.

Sincerely,

ALLAN G. KAUPINEN,
Assistant Administrator.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 4, 1973.

Hon. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives.

DEAR MADAM CHAIRMAN: Your letter of February 2, 1973, requested our views on H.R. 75, 93d Congress, entitled: "A BILL To extend and expand the authority for carrying out conservations and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands."

The bill would impose limitations on the use of stamp fees collected by the States, but it does not include provisions for determining or enforcing compliance with those limitations. We recommend that the committee consider incorporating into the bill appropriate measures of enforcement to insure compliance with the limitations.

We have no other comments on the proposed legislation.

Sincerely yours,

PAUL G. DEMBLING,
Acting Comptroller General of the United States.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C., March 9, 1973.

Hon. LEONOR K. SULLIVAN,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.

DEAR MADAM CHAIRMAN: Reference is made to your requests for the views of this Department on H.R. 75 and H.R. 733, similar bills, "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands", H.R. 731, "To establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes", and H.R. 4327, "To extend the authorization for appropriations to carry out conservation and rehabilitation programs on military reservations."

H.R. 75, H.R. 731, and H.R. 733 would authorize the Secretaries of the Interior and Agriculture, in connection with appropriate State agencies, to develop and carry out plans for the development, main-

tenance, and coordination of wildlife, fish and game conservation and rehabilitation programs on public lands administered by them respectively. The Secretary of the Interior would further be authorized to develop and carry out similar plans for lands administered by the National Aeronautics and Space Administration and the Atomic Energy Commission. The proposed program would be implemented under cooperative agreements entered into by the responsible Federal officials with State agencies. Agreements could provide that no individual be allowed to hunt, trap, or fish on public land on which a conservation or rehabilitation program was being carried out under this legislation without a "public land management area stamp." Any such stamps under such an agreement would be issued by the State, and stamp fees would be earmarked for carrying out conservation or rehabilitation programs in the State. H.R. 731 would require State agencies to file annual reports to the Secretary of the Interior or the Secretary of Agriculture setting forth the amount and disposition of stamp fees, and the respective Secretaries and the Comptroller General of the United States would have access to such records for audit and examination.

Since such stamps would authorize the use of Federal lands, and could not be issued unless required pursuant to cooperative agreements between the State agency and the responsible Federal officials, receipts from the sale of the proposed public land management area stamps should be treated as Federal receipts and should be deposited in the Treasury.

As a general principle of effective budgetary management, Federal receipts should not be earmarked for particular purposes but should be available in the general fund of the Treasury for appropriation by the Congress for current programs and objectives. Legislative enactments setting aside certain receipts for particular expenditure purposes tend to introduce undesirable rigidities into the budget process and to limit the flexibility of the President and the Congress in determining priorities on the basis of their evaluation of current needs. In addition, since expenditures would be authorized other than through appropriation Acts, backdoor financing is involved.

The Act of September 15, 1960, as amended, which contains an authorization of $500,000 per annum that expired on June 30, 1972, authorized the Secretary of Defense to carry out conservation programs on military reservations in cooperation with the Secretary of the Interior and appropriate State agencies. H.R. 75 and H.R. 733 would authorize appropriations of $2,500,000 per year and H.R. 4327 would authorize appropriations of $1,500,000 per year for an additional five years for this program. The financial provisions of this program substantially raise the same problems as those discussed above. Accordingly, the Department would be opposed to its continuation.

In view of the foregoing, the Department would be opposed to the financial provisions of the proposed legislation.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

SAMUEL R. PIERCE, JR.,
General Counsel.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF SEPTEMBER 15, 1960, AS AMENDED

(74 Stat. 1052, 16 U.S.C. 670a–f)

AN ACT To promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That the Secretary of Defense]

TITLE I—CONSERVATION PROGRAMS ON MILITARY RESERVATIONS

SEC. 101. The Secretary of Defense is hereby authorized to carry out a program of planning, development, maintenance and coordination of wildlife, fish and game conservation and rehabilitation in military reservations in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of Interior and the appropriate State agency designated by the State in which the reservation is located. *Such cooperative plan shall provide for (1) fish and wildlife habitat improvements or modifications, (2) range rehabilitation where necessary for support of wildlife, and (3) control of off-road vehicle traffic.* Such cooperative plan may stipulate the issuance of special State hunting and fishing permits to individuals and require this payment of a nominal fee therefor, which fees shall be utilized for the protection, conservation and management of fish and wildlife, including habitat improvement and related activities in accordance with the cooperative plan: *Provided*, That the Commanding Officer of the reservation or persons designated by him are authorized to enforce such special hunting and fishing permits and to collect the fees therefor, acting as agent or agents for the State if the cooperative plan so provides.

[SEC. 2.] *SEC. 102.* The Secretary of Defense in cooperation with the Secretary of Interior and the appropriate State agency is authorized to carry out a program for the conservation, restoration and management of migratory game birds on military reservations, including the issuance of special hunting permits and the collection of fees therefor, in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior and the appropriate State agency: *Provided*, That possession of a special permit for hunting migratory game birds issued pursuant to this [Act] *title* shall not relieve the permittee of the requirements of the Migratory

Bird Hunting Stamp Act as amended nor of the requirements pertaining to State law set forth in Public Law 85–337.

[SEC. 3.] *SEC. 103.* The Secretary of Defense is also authorized to carry out a program for the development, enhancement, operation, and maintenance of public outdoor recreation resources at military reservations in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense and the Secretary of the Interior, in consultation with the appropriate State agency designated by the State in which such reservations are located.

[SEC. 4.] *SEC. 104.* The Department of Defense is held free from any liability to pay into the Treasury of the United States upon the operation of the program or programs authorized by this [Act] *title* any funds which may have been or may hereafter be collected, received or expended pursuant to, and for the purposes of, this [Act,] *title*, and which collections, receipts and expenditures have been properly accounted for to the Comptroller General of the United States.

[SEC. 5.] *SEC. 105.* Nothing herein contained shall be construed to modify, amend or repeal any provision of Public Law 85–337, nor as applying to national forest lands administered pursuant to the provisions of section 9 of the Act of June 7, 1924 (43 Stat. 655), nor section 15 of the Taylor Grazing Act.

[SEC. 6.] *SEC. 106.* (a) The Secretary of Defense shall expend such funds as may be collected in accordance with the cooperative plans agreed to under [sections 1 and 2] *sections 101 and 102* of this [Act] *title* and for no other purpose.

(b) There is also authorized to be appropriated to the Secretary of Defense not to exceed $500,000 per fiscal year for the fiscal years beginning July 1, 1969, July 1, 1970, and July 1, 1971, *and not to exceed $1,500,000 for the fiscal year beginning July 1, 1972, and for each of the next five fiscal years thereafter*, to carry out this [Act] *title*, including the enhancement of fish and wildlife habitat and the development of public recreation and other facilities. The Secretary of Defense shall, to the greatest extent practicable, enter into agreements to utilize the services, personnel, equipment, and facilities, with or without reimbursement, of the Secretary of the Interior in carrying out the provisions of this [Act.] *title. There is authorized to be appropriated to the Secretary of the Interior not to exceed $2,000,000 for the fiscal year beginning July 1, 1973, and for each of the next four fiscal years thereafter to enable the Secretary to carry out such functions and responsibilities as he may have under cooperative plans to which he is a party under this title.* Sums authorized to be appropriated under this Act shall be available until expended.

TITLE II—CONSERVATION PROGRAMS ON CERTAIN PUBLIC LAND

SEC. 201. (a) The Secretary of the Interior and the Secretary of Agriculture shall each, in cooperation with the State agencies and in accordance with comprehensive plans developed pursuant to section 202 of this title, plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game.

Such conservation and rehabilitation programs shall include, but not be limited to, specific habitat improvement projects and related activities.

(b) The Secretary of the Interior shall implement the conservation and rehabilitation programs required under subsection (a) of this section on public land under his jurisdiction. The Secretary of the Interior shall adopt, modify, and implement the conservation and rehabilitation programs required under such subsection (a) on public land under the jurisdiction of the Chairman, but only with the prior written approval of the Atomic Energy Commission, and on public land under the jurisdiction of the Administrator, but only with the prior written approval of the Administrator. The Secretary of Agriculture shall implement such conservation and rehabilitation programs on public land under his jurisdiction.

SEC. 202. (a) (1) The Secretary of the Interior shall develop, in consultation with the State agencies, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under his jurisdiction and the Secretary of Agriculture shall do the same in connection with public land under his jurisdiction.

(2) The Secretary of the Interior shall develop, with the prior written approval of the Atomic Energy Commission, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under the jurisdiction of the Chairman and develop, with the prior written approval of the Administrator, a comprehensive plan for such programs to be implemented on public land under the jurisdiction of the Administrator. Each such plan shall be developed after the Secretary of the Interior makes, with the prior written approval of the Chairman or the Administrator, as the case may be, and in consultation with the State agencies, necessary studies and surveys of the land concerned to determine where conservation and rehabilitation programs are most needed.

(b) Each comprehensive plan developed pursuant to this section shall be consistent with any overall land use and management plans for the lands involved. In any case in which hunting, trapping, or fishing (or any combination thereof) of resident fish and wildlife is to be permitted on public land under a comprehensive plan, such hunting, trapping, and fishing shall be conducted in accordance with applicable laws and regulations of the State in which such land is located.

(c) (1) Each State agency may enter into a cooperative agreement with—

(A) the Secretary of the Interior with respect to those conservation and rehabilitation programs to be implemented under this title within the State on public land which is under his jurisdiction;

(B) the Secretary of Agriculture with respect to those conservation and rehabilitation programs to be implemented under this title within the State on public land which is under his jurisdiction; and

(C) the Secretary of the Interior and the Chairman or the Administrator, as the case may be, with respect to those conservation and rehabilitation programs to be implemented under this title

within the State on public land under the jurisdiction of the Chairman or the Administrator; except that before entering into any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before entering into any cooperative agreement which affects public lands under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

No conservation or rehabilitation program, nor any recommendation in any preliminary study or survey undertaken with respect to any such program, may be implemented under this title unless it is included within a cooperative agreement.

(2) Any conservation and rehabilitation program included within a cooperative agreement entered into under this subsection may be modified in a manner mutually agreeable to the State agency and the Secretary concerned (and the Chairman or the Administrator, as the case may be, if public land under his jurisdiction is involved). Before modifying any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before modifying any cooperative agreement which affects public land under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

(3) Each cooperative agreement entered into under this subsection shall—

(A) specify those areas of public land within the State on which conservation and rehabilitation programs will be implemented;

(B) provide for fish and wildlife habitat improvements or modifications, or both;

(C) provide for range rehabilitation where necessary for support of wildlife;

(D) require the control of off-road vehicle traffic;

(E) if the issuance of public land area management stamps is agreed to pursuant to section 203(a) of this title—

(i) contain such terms and conditions as are required under section 203(b) of this title;

(ii) require the maintenance of accurate records and the filing of annual reports by the State agency to the Secretary of the Interior or the Secretary of Agriculture, or both, as the case may be, setting forth the amount and disposition of the fees collected for such stamps; and

(iii) authorize the Secretary concerned and the Comptroller General of the United States, or their authorized representatives, to have access to such records for purposes of audit and examination; and

(F) contain such other terms and conditions as the Secretary concerned and the State agency deem necessary and appropriate to carry out the purposes of this title.

A cooperative agreement may also provide for arrangements under which the Secretary concerned may authorize officers and employees

of the State agency to enforce, or to assist in the enforcement of, section 204(a) of this title.

(4) Except where limited under a comprehensive plan or pursuant to cooperative agreement, hunting, fishing, and trapping shall be permitted on public land which is the subject of a conservation and rehabilitation program implemented under this title.

(5) The Secretary of the Interior and the Secretary of Agriculture, as the case may be, shall prescribe such regulations as are deemed necessary to control, in a manner consistent with the applicable comprehensive plan and cooperative agreement, the public use of public land which is the subject of any conservation and rehabilitation program implemented by him under this title.

Sec. 203. (a) Any State agency may agree with the Secretary of the Interior and the Secretary of Agriculture (or with the Secretary of the Interior or the Secretary of Agriculture, as the case may be, if within the State concerned all conservation and rehabilitation programs under this title will be implemented by him) that no individual will be permitted to hunt, trap, or fish on any public land within the State which is subject to a conservation and rehabilitation program implemented under this title unless at the time such individual is engaged in such activity he has on his person a valid land management area stamp issued pursuant to this section.

(b) Any agreement made pursuant to subsection (a) of this section to require the issuance of public land management area stamps shall be subject to the following conditions:

(1) Such stamps shall be issued, sold, and the fees therefor collected, by the State agency or by the authorized agents of such agency.

(2) Except for expenses incurred in the printing, issuing, or selling of such stamps, the fees collected for such stamps by the State agency shall be utilized in carrying out conservation and rehabilitation programs implemented under this title in the State concerned and for no other purpose. If such programs are implemented by both the Secretary of the Interior and the Secretary of Agriculture in the State, the Secretaries shall mutually agree, on such basis as they deem reasonable, on the proportion of such fees that shall be applied by the State agency to their respective programs.

(3) The purchase of any such stamp shall entitle the purchaser thereof to hunt, trap, and fish on any public land within such State which is the subject of a conservation or rehabilitation program implemented under this title except to the extent that the public use of such land is limited pursuant to a comprehensive plan or cooperative agreement; but the purchase of any such stamp shall not be construed as (A) eliminating the requirement for the purchase of a migratory bird hunting stamp as set forth in the first section of the Act of March 16, 1934, commonly referred to as the Migratory Bird Hunting Stamp Act (16 U.S.C. 718a), or (B) relieving the purchaser from compliance with any applicable State game and fish laws and regulations.

(4) The amount of the fee to be charged for such stamps, the age at which the individual is required to acquire such a stamp,

and the expiration date for such stamps shall be mutually agreed upon by the State agency and the Secretary or Secretaries concerned; except that each such stamp shall be void not later than one year after the date of issuance.

(5) Each such stamp must be validated by the purchaser thereof by signing his name across the face of the stamp.

(6) Any individual to whom a stamp is sold pursuant to this section shall upon request exhibit such stamp for inspection to any officer or employee of the Department of the Interior or the Department of Agriculture, or to any other person who is authorized to enforce section 204(a) of this title.

SEC. 204. (a)(1) Any person who hunts, traps, or fishes on any public land which is subject to a conservation and rehabilitation program implemented under this title without having on his person a valid public land management area stamp, if the possession of such a stamp is required, shall be fined not more than $1,000, or imprisoned for not more than six months, or both.

(2) Any person who knowingly violates or fails to comply with any regulations prescribed under section 202(c)(5) of this title shall be fined not more than $500, or imprisoned not more than six months, or both.

(b)(1) The Secretary of the Interior and the Secretary of Agriculture may designate and authorize officers and employees of their respective departments to enforce subsection (a) of this section. Such officers and employees, and any State officers or employees authorized under a cooperative agreement to enforce such subsection (a) are authorized—

(A) with or without warrant or other process, to arrest any person committing in his presence or view an offense under subsection (a) of this section;

(B) to execute any warrant or process issued by an officer or court of competent jurisdiction for the arrest of any person charged with the commission of any such offense; and

(C) with or without a warrant, as authorized by law, to search any place.

(2) Upon the sworn information by a competent person, any United States magistrate or court of competent jurisdiction may issue process for the arrest of any person charged with committing any offense under subsection (a) of this section.

(3) Any person charged with committing any offense under subsection (a) of this section may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18, United States Code.

(c) All guns, traps, nets, and other equipment, vessels, vehicles, and other means of transportation used by any person when engaged in committing an offense under subsection (a) of this section shall be subject to forfeiture to the United States and may be seized and held pending the prosecution of any person arrested for committing such offense. Upon conviction for such offense, such forfeiture may be adjudicated as a penalty in addition to any other provided for committing such offense.

(d) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or the Secretary of Agriculture, as the case may be, or by such persons as he may designate.

SEC. 205. As used in this title—

(1) The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) The term "Chairman" means the Chairman of the Atomic Energy Commission.

(3) The term "off-road vehicle" means any motorized vehicle designed for, or capable of, cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; but such term does not include—

(A) any registered motorboat;

(B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes; and

(C) any vehicle the use of which is expressly authorized by the Secretary of the Interior or the Secretary of Agriculture under a permit, lease, license, or contract.

(4) The term "public land" means all lands under the respective jurisdiction of the Secretary of the Interior, the Secretary of Agriculture, the Chairman, and the Administrator, except land which is, or hereafter may be, within or designated as—

(A) a military reservation;

(B) a national park or monument; or

(C) an area within the national wildlife refuge system;

(5) The term "State agency" means the agency or agencies of a State responsible for the administration of the fish and game laws of the State.

SEC. 206. (a) There is authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1974, and for each of the next four fiscal years thereafter to enable the Department of the Interior to carry out its functions and responsibilities under this title.

(b) There is authorized to be appropriated the sum of $10,000,000 for the fiscal year ending June 30, 1974, and for each of the next four fiscal years thereafter to enable the Department of Agriculture to carry out its functions and responsibilities under this title.

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